

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ABE GARFINKEL, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SYSTWEAK LLC, a Delaware limited liability
company,

Defendant.

Case No. 2:14-cv-01386-RB

Honorable Ronald L. Buckwalter

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41

PLEASE TAKE NOTICE that Plaintiff Abe Garfinkel (“Plaintiff”), by and through his undersigned counsel, pursuant to Fed. R. Civ. P. 41(a)(1), hereby voluntarily dismisses all claims in this action *without prejudice* as to Defendant Systweak LLC (“Defendant”). In support of the instant Notice, Plaintiff states as follows:

1. Plaintiff filed the instant action on March 7, 2014. (Dkt. 1.)
2. Fed. R. Civ. P. 41(a)(1) provides, in relevant part, that a “plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”
3. Defendant has neither served an answer nor a motion for summary judgment in this action.
4. Accordingly, this action may be dismissed *without prejudice* and without an Order of the Court.

Respectfully submitted,

CAROSELLI BEACHLER McTIERNAN
& CONBOY, LLC

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Dated: January 12, 2015

CERTIFICATE OF SERVICE

I, David S. Senoff, an attorney, hereby certify that on January 12, 2015, the above and foregoing *Notice of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41*, was filed and served upon all counsel by electronic filing via ECF.

CAROSELLI BEACHLER McTIERNAN
& CONBOY, LLC

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